

November 16, 2006

AGENDA
ILLINOIS CIVIL SERVICE COMMISSION
November 16, 2006

I. OPENING OF MEETING AT 10:30 A.M. AT 425 ½ SOUTH FOURTH STREET,
SPRINGFIELD, ILLINOIS

II. PRESENT

III. APPROVAL OF MINUTES OF REGULAR MEETING HELD OCTOBER 19, 2006

**WILL THE COMMISSION APPROVE THE MINUTES OF THE REGULAR
MEETING HELD OCTOBER 19, 2006?**

IV. EXEMPTIONS UNDER SECTION 4d(3) OF THE PERSONNEL CODE

A. Report on Exempt Positions

<u>Agency</u>	<u>Total Employees</u>	<u>Number of Exempt Positions</u>
Aging	141	9
Agriculture	494	17
Arts Council.....	20	2
Capitol Development Board	32	0
Central Management Services	1,617	111
Children and Family Services.....	3,363	41
Civil Service Commission	4	0
Commerce & Econ. Opportunity	431	61
Commerce Commission.....	54	0
Corrections.....	12,503	101
Criminal Justice Authority	63	6
Deaf and Hard of Hearing Comm.	6	1
Developmental Disabilities Council	10	1
Emergency Management Agency	106	1
Employment Security.....	1,782	26
Environmental Protect. Agency	1,084	18
Financial. & Prof. Regulation	805	43
Guardianship and Advocacy	114	6
Healthcare and Family Services	2,336	29
Historic Preservation Agency	297	11
Human Rights Commission	12	2
Human Rights Department	136	8
Human Services	14,835	64
Investment Board.....	5	2
Juvenile Justice	1315	18
Labor.....	76	7
Labor Relations Board Educational	15	2
Labor Relations Board Local.....	1	0
Labor Relations Board State	20	2
Law Enforce. Trng. & Standard Bd.	22	1
Medical District Comm.....	2	0
Military Affairs	145	3
Natural Resources	1,511	27
Pollution Control Board.....	26	3
Prisoner Review Board	21	0
Property Tax Appeal Board	22	2
Public Health.....	1,122	35
Revenue	2,032	60
State Fire Marshal.....	154	9
State Police	1,479	6
State Police Merit Board.....	5	1
State Retirement Systems	85	1
Transportation.....	2,755	1
Veterans Affairs.....	1,145	5
Workers Comp. Commission.....	171	10
TOTALS	52,374	753

B. Governing Rule - Jurisdiction B Exemptions

- a) Before a position shall qualify for exemption from Jurisdiction B under Section 4d(3) of the Personnel Code, the position shall be directly responsible to:
 1. The Governor, or
 2. A departmental director or assistant director appointed by the Governor, or
 3. A board or commission appointed by the Governor, or
 4. The head of an agency created by Executive Order, or the director or assistant director of an agency carrying out statutory powers, whose offices are created by the Governor subject to legislative veto under Article V, Section 11, of the Constitution of 1970, which agency head, director, or assistant director may themselves be subject to exemption under Section 4d(3), or
 5. In an agency having a statutory assistant director, a deputy director exercising full line authority under the director for all operating entities of the agency, provided the statutory role of assistant director is vacant or is assigned clearly distinct and separate duties from the deputy director and as a colleague to him, or
 6. A line position organizationally located between the director and/or assistant director and a subordinate statutorily exempt position(s), provided the position proposed for exemption has line authority over the statutory exempt position(s), or
 7. The elected head of an independent agency in the executive, legislative, or judicial branch of government.
- b) If a position meets the above criterion, it must, in addition, be responsible for one or more of the following before it shall be approved as exempt:
 1. Directs programs defined by statute and/or departmental, board, or commission policy or possess significant authority when acting in the capacity of a director of programs to bind the agency.
 2. Makes decisions in exercising principal responsibility for the determination or execution of policy which fix objectives or state the principles to control action toward operating objectives of one or more divisions, such decisions being subject to review or reversal only by the director, assistant director, board or commission.
 3. Participates in the planning and programming of departmental, board, or commission activities, integrating the plans and projections of related divisions, and the scheduling of projected work programs of those agencies.

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C. Illinois State Fire Marshal – Proposed Exemption (Continued from 10/19/06)

Position Number	40070-50-50-200-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Boiler and Pressure Vessel Safety
Functional Title	Director, Statewide Boiler and Pressure Vessel Safety Division
Incumbent	David Douin
Supervisor	Illinois State Fire Marshal
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

D. Illinois Department of Corrections – Proposed Exemption (Continued from 10/19/06)

Position Number	40070-29-00-000-20-01
Position Title	Senior Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	EEO/Affirmative Action Officer
Incumbent	Janet Richmond
Supervisor	Reports to Director
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

E. Illinois Department of Juvenile Justice – Proposed Exemption (Continued from 10/19/06)

Position Number	37015-27-00-000-10-01
Position Title	Public Service Administrator
Bureau/Division	Director’s Office
Functional Title	EEO/Affirmative Action Officer
Incumbent	None
Supervisor	Reports to Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

F. Illinois State Fire Marshal – Proposed Exemption

Position Number	40070-50-50-000-10-16
Position Title	Senior Public Service Administrator
Bureau/Division	Executive
Functional Title	Director, Statewide Elevator Safety and Certification Division
Incumbent	None
Supervisor	Illinois State Fire Marshal
Location	Cook County

CMS Recommendation: “This position meets the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

G. Illinois Department of Labor – Proposed Exemption

Position Number	40070-15-10-100-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Administration
Functional Title	Chief Fiscal Officer
Incumbent	William R. Blinn
Supervisor	Director
Location	Sangamon County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

H. Illinois Department of Revenue – Proposed Exemption

Position Number	40070-25-48-210-00-01
Position Title	Senior Public Service Administrator
Bureau/Division	Chicago Collection Services Bureau
Functional Title	Manager, Chicago Collection Services Division
Incumbent	Cynthia K. Anderson
Supervisor	Manager, Collections Bureau (reports to Director)
Location	Cook County

CMS Recommendation: “This position does meet the reporting criteria of the Commission Rules and considering similarities of this requested position with those of other 4d(3) exempt positions, I recommend 4d(3) exemption.”

WILL THE COMMISSION GRANT THE REQUESTS FOR EXEMPTION FROM JURISDICTION B OF THE PERSONNEL CODE FOR THE FOLLOWING POSITIONS?

- **Item C: Director, Statewide Boiler and Pressure Vessel Safety Division**
- **Item D: EEO/Affirmative Action Officer**
- **Item E: EEO/Affirmative Action Officer**
- **Item F: Director, Statewide Elevator Safety & Certification Division**
- **Item G: Chief Fiscal Officer**
- **Item H: Manager, Chicago Collection Services Division**

V. CLASS SPECIFICATIONS

None submitted.

WILL THE COMMISSION DISAPPROVE ANY CLASS SPECIFICATIONS RECEIVED BY THE COMMISSION STAFF NOT CONTAINED IN THIS REPORT TO ALLOW ADEQUATE STUDY?

VI. MOTION TO GO INTO EXECUTIVE SESSION

PURSUANT TO SUBSECTIONS 2(c)(1), 2(c)(4) AND 2(c)(11) OF THE OPEN MEETINGS ACT, WILL THE COMMISSION HOLD AN EXECUTIVE SESSION TO CONSIDER APPEALS FILED WITH THE COMMISSION, LITIGATION AND/OR SPECIFIED EMPLOYMENT MATTERS?

VII. RECONVENE MEETING

VIII. NON-MERIT APPOINTMENT REPORT

The Personnel Code permits non-merit appointments for a limited period of time, i.e., emergency appointments shall not exceed 60 days and shall not be renewed, and positions shall not be filled on a temporary or provisional basis for more than six months out of any twelve-month period. Consecutive non-merit appointments are not violative of the Code, however, they do present a possible evasion of merit principles and should be monitored. Set forth below is the number of consecutive non-merit appointments made by each department. These statistics are from the Department of Central Management Services' Consecutive Non-Merit Appointment Reports.

Agency	9/30/06	10/31/06	10/31/05
Agriculture	5	2	3
Arts Council	1	1	0
Central Management Services	3	2	3
Children and Family Services	3	5	4
Commerce and Economic Opportunity	0	0	1
Emergency Management Agency	0	0	1
Financial and Professional Regulation	1	0	0
Healthcare and Family Services	5	8	12
Historic Preservation	14	2	9
Human Rights Department	0	0	1
Human Services	3	0	0
Natural Resources	29	17	22
State Retirement Systems	1	1	1
Transportation	90	41	29
Veterans' Affairs	1	0	0
Totals	156	79	86

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IX. PUBLICLY ANNOUNCED DECISIONS RESULTING FROM APPEAL

• **RULE VIOLATION APPEAL**

RV-48-06

Petitioner	Patricia Cribbet	Appeal Date	05/19/06
Agency	DHS	Decision Date	10/25/06
Type	Rule Violation	ALJ	Daniel Stralka
Charge(s)	Failed to recall from layoff; DHS filled her position with a less senior full-time temporary employee	Proposed Finding	No violation.

DOES THE COMMISSION AFFIRM AND ADOPT THE PROPOSED FINDING IN THE ABOVE MATTER?

X. APPEALS TERMINATED WITHOUT DECISION ON THE MERITS

• **DISMISSED**

S-9-07

Petitioner	Lisa Roller	Appeal Date	10/05/06
Agency	DHS	Decision Date	10/23/06
Type	Suspension	ALJ	Daniel Stralka
Charge(s)	Suspended pending discharge	Recommended Decision	No jurisdiction; dismissed subject to Commission approval.

DOES THE COMMISSION APPROVE THE DISMISSAL OF THE ABOVE MATTER?

XI. AMENDMENT TO THE PERSONNEL RULES

SUBPART F: PROBATIONARY STATUS (80 IAC 302.300)

Section 302.300 Probationary Period

- a) A probationary period of six months shall be served by:
- 1) an employee who enters State service or commences a new period of continuous service, except an employee who is reinstated as provided under Section 302.610;

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- 2) an employee who is appointed from an open competitive eligible list, whether or not it be considered an advancement in rank or grade.
- b) A probationary period of four months shall be served by any employee who is promoted pursuant to Subpart G or reinstated on or after January 1, 1999, pursuant to Section 302.610. Employees reinstated prior to January 1, 1999 shall serve a six month probationary period.
- ~~e) An employee who has been appointed to a position subject to Jurisdiction B of the Personnel Code and who, immediately prior to the appointment has served the State as a full time employee, continuously, for a minimum of 2 years in a position not subject to Jurisdiction B, shall serve a probationary period of 30 days.~~
- c~~d~~) An employee transferred during the probationary period shall serve that portion of the probationary period which was not completed at the time of such transfer.
- d~~e~~) A probationary period shall not be deemed to be continued by the payment of any sum for vacation or other benefits accrued during such probationary period.
- e~~f~~) If an employee is absent from work for more than 15 consecutive calendar days during the probationary period because of leave of absence, disciplinary suspension, sick leave, unauthorized absence, or work related injury or industrial disease, such absence shall serve to extend the probationary period by the length of the absence.

Staff analysis: The above section of the Personnel Rules was previously declared invalid by the Illinois Appellate Court in *Illinois Dept. of Revenue v. Illinois Civil Service Com'n*, 357 Ill.App.3d 352, 827 N.E.2d 960 (2005). The 30-day probationary period referenced by this section has not been enforced by Central Management Services, and this proposed amendment simply removes the invalid language from the body of the Personnel Rules. It serves more as a housekeeping function than a substantive change.

XII. STAFF REPORT

XIII. ANNOUNCEMENT OF NEXT MEETING

Announcement of the next regular meeting to be held on Thursday, December 21, 2006 at 9:00 a.m. in the Commission's Chicago office.

XIV. MOTION TO ADJOURN